

CHAPTER NO. 982

HOUSE BILL NO. 2085

By Representatives Newton, Buck, Stamps

Substituted for: Senate Bill No. 2477

By Senator Miller

AN ACT to amend Tennessee Code Annotated, Section 39-13-204 and Section 40-23-114, relative to lethal injection as an option for execution of death sentence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-23-114, is amended by deleting the language "Whenever any person is sentenced to the punishment of death," and by substituting instead "For any person who commits an offense prior to January 1, 1999 for which such person is sentenced to the punishment of death,".

SECTION 2. Tennessee Code Annotated, Section 40-23-114, is further amended by designating the existing section as amended by Section 1 of this Act, as subsection (a) and by adding the following new subsection (b):

(b) For any person who commits an offense on or after January 1, 1999 for which such person is sentenced to the punishment of death, the court shall direct that the person be put to death by lethal injection.

SECTION 3. Tennessee Code Annotated, Section 40-23-114, is amended by adding the following new subsection (c):

(c) Any person who commits an offense prior to January 1, 1999 for which such person is sentenced to the punishment of death may elect to be executed by lethal injection by signing a written waiver waiving the right to be executed by the method of execution in effect at the time the offense was committed.

SECTION 4. If the method of execution established by this Act is for any reason determined by a court of competent jurisdiction to be unconstitutional, the law establishing the method of execution as death by electrocution is revived and electrocution shall be the method of execution in this State. All statutory procedures, rules and departmental policy enacted or promulgated to effectuate a sentence of death by electrocution shall also be revived and shall be in full force and effect.

SECTION 5. The Department of Correction is authorized to promulgate necessary rules and regulations to facilitate the implementation of this Act.


SECTION 6. This Act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 29, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of May 1998


DON SNOGRASS, GOVERNOR